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7 **CERTIFIED PROFESSIONAL GUARDIAN BOARD**

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9)
10 **STACY A. WIKLE, CPG # 9706**)

) **CPGB No. 2008-CE-001**

11) **AGREEMENT REGARDING DISCIPLINE**
12) **FOR CONTINUING EDUCATION**
13) **NONCOMPLIANCE**
14)

15 The parties, Stacy A. Wikle, CPG No. 9706, and the Certified Professional Guardian
16 Board (Board) enter into this Agreement Regarding Discipline (Agreement) pursuant to
17 the Board's Continuing Education and Disciplinary Regulations for Certified Professional
18 Guardians. Ms. Wikle has committed violations of the Continuing Education
19 Regulations for Certified Professional Guardians, resulting in this disciplinary
20 proceeding before the Board. This Agreement is a resolution of this disciplinary
21 proceeding and shall become effective after all parties have signed the Agreement.
22 The Agreement will be a part of the professional guardian record of Stacy A. Wikle and
23 will be a public record and subject to public access. This Agreement will be posted on
24 the Certified Professional Guardian Board website, which is maintained by the
25 Administrative Office of the Courts.

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1. JURISDICTION

1.1 At all times relevant herein, Stacy A. Wikle, was a certified professional guardian (CPG) pursuant to General Rule of Court (GR) 23, CPG #9706.

2. STATEMENT OF FACTS

2.1 On February 6, 2008, the Board received Ms. Wikle's Affidavit of Attendance at Approved Education Activities for calendar year 2007. The Affidavit indicated Ms. Wikle had not yet completed 0.50 of the required Ethics hours for 2007. On February 7, 2008, the Board received a check in the amount of \$50.00 in payment of the special service fee for Ms. Wikle's filing the Affidavit after January 31, 2008, and for failure to complete the required Ethics credits for 2007.

2.2 The Board did not receive a Supplemental Report by April 30, 2008, as required by Continuing Education Regulation (CER) 208.2.1, regarding Ms. Wikle's completion of the required 0.50 Ethics hours for 2007.

2.3 On or about July 16, 2008, AOC staff notified Ms. Wikle by telephone that her failure to comply with the continuing education requirements would subject her to decertification. On or about July 18, 2008, the Board received a letter from Ms. Wikle enclosing a copy of her 2007 Affidavit and the canceled check for \$50.00, and requesting an extension until the end of 2008 to make-up the 0.50 Ethics hours.

2.4 The Board's Education Committee denied Ms. Wikle's letter request for extension of time for failing to demonstrate "undue hardship, infirmity, or other good cause" as required by CER 210.

2.5 By certified mail dated September 10, 2008, Ms. Wikle was notified pursuant to CER 211 that she would be decertified for noncompliance with continuing education

1 requirements unless the Board received, within 10 calendar days of her receipt of the
2 notice, a petition showing undue hardship, infirmity, administrative error, or other good
3 cause for extension of time for, or waiver of, compliance with the continuing education
4 requirements.

5 **2.6** On September 18, 2008, Ms. Wikle filed by certified mail a "Petition for Review of
6 Board's Decision to Deny Request for Extension of Time to Complete Required CEUs."

7 **2.7** The Board's Education Committee considered Ms. Wikle's petition, in addition to
8 the list of approved continuing education courses for 2007 and 2008, and a report of
9 Ms. Wikle's continuing education accumulated credits for 2008.
10

11 **2.8** In 2007, fifteen approved continuing education programs offered Ethics credit
12 hours (each program offered between 0.50 and 3.00 Ethics credit hours). For January-
13 September, 2008, ten approved continuing education programs offered Ethics credit
14 hours (each program offered between 0.50 and 2.00 Ethics credit hours). In addition to
15 Ms. Wikle's shortfall of 0.50 Ethics credit hours for 2007, Ms. Wikle has not yet
16 completed any Ethics credit hours for 2008. *Ethics credit earned October 15, 2008,
for 2007. MV*

17 **2.9** Ms. Wikle has not demonstrated undue hardship, infirmity, administrative error,
18 or other good cause for extension of time for, or waiver of, compliance with the
19 continuing education requirements.
20

21 **3. VIOLATIONS OF THE STANDARDS OF PRACTICE**

22 **3.1** The conduct described in paragraphs 2.1 – 2.2 above constitutes violation of
23 CER 202.2 and 208, which provide:
24
25

1 **202 Continuing Education Requirement**

2 ... 202.2 Each Guardian shall complete a minimum of 12 credit hours of
3 approved education during each calendar year, except as exempted
4 by Regulation 210. Credit hours accrue for classes approved by the
5 Education Committee and shall annually total no fewer than 12 credit
6 hours that must include the following: Ethics, two hours; estate
7 management, four hours; personal care issues, four hours; and
8 general issues, two hours.

9 **208 Submission of Information--Reporting of Attendance**

10 208.1 Compliance Report. Each active Guardian shall, on or before
11 January 31 of each year, commencing January 31, 2003, submit an
12 affidavit to the Committee, at the AOC, setting forth all information
13 required by Form No. 2, concerning such active Guardian's
14 completion of approved continuing education during the preceding
15 calendar year. Such affidavit shall also contain a report of
16 "carryover" credits, if any, as delineated in Regulation 202.

17 208.2 Supplemental Report. If an active Guardian has not completed the
18 minimum education requirement for the preceding calendar year, or
19 complied with Regulation 208.1, compliance may still be
20 accomplished by:

21 208.2.1 Submitting by April 30, the affidavit called for by Regulation
22 208.1 (Form 2) setting forth therein the extent of the active
23 Guardian's compliance with the minimum education
24 requirement.

25 208.2.2 Paying at the time of filing such supplemental affidavit a
 special \$50 service fee.

 208.3 An active Guardian who fails to comply with the provisions of this
 regulation shall be subject to the procedures and provisions of
 Regulation 211.

3.2 Pursuant to CER 202.4, the above violations constitute grounds for discipline. In
resolution of such violations, the Education Committee may enter into an agreement

1 with a guardian as to time and other requirements for achieving compliance with GR 23
2 and the Board's regulations. CER 211.4.

3 4. PRIOR RECORD OF DISCIPLINE

4 Ms. Wikle has no prior records of discipline with the Board.

5 5. DISCIPLINARY SANCTIONS AND REMEDIES

6 The Board imposes the following disciplinary sanctions and remedies on Ms.
7 Wikle for the violations described in this Agreement. Pursuant to DR 515.1, any
8 disciplinary sanction or remedy imposed by the Board on a certified guardian is a
9 disciplinary sanction.
10

11 **5.1 2007 Compliance.** By December 31, 2008, Ms. Wikle shall complete the 2007
12 shortfall of 0.50 Ethics credit hours and file with the Board evidence of compliance and
13 a \$50.00 fee. *Completed 10/15/08, MW*
for 2007

14 **5.2 2008 Compliance.** By December 31, 2008, Ms. Wikle shall complete the total
15 credit hours of approved continuing education required for 2008. By January 31, 2009,
16 Ms. Wikle shall file the Affidavit of Attendance at Approved Education Activities for
17 calendar year 2008. Ms. Wikle is not eligible for filing a supplemental report pursuant to
18 CER 208.2.

19 **5.3 2009 Compliance.** By December 31, 2009, Ms. Wikle shall complete the total
20 credit hours of approved continuing education required for 2009. By January 31, 2010,
21 Ms. Wikle shall file the Affidavit of Attendance at Approved Education Activities for
22 calendar year 2009. Ms. Wikle is not eligible for filing a supplemental report pursuant to
23 CER 208.2.
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6. VIOLATION OF AGREEMENT

6.1 Failure to comply with the terms of this Agreement shall constitute additional grounds for discipline pursuant to DR 514.4.

6.2 In the event of an alleged breach of this Agreement, the Board will issue a Complaint pursuant to its Disciplinary Regulations, providing notice and an opportunity for a hearing to the certified professional guardian alleged to be in breach of the ARD. If the Board finds that Suspension Pending Disciplinary Proceedings is warranted, it may proceed pursuant to Disciplinary Regulation 519.

6.3 This Agreement is binding as a statement of all known facts relating to the conduct in this matter but any additional existing acts may be proven in any subsequent disciplinary proceedings.

7. NOTICE

This Agreement shall be retained by the AOC in Ms. Wikle's disciplinary file. This Agreement shall be open to public access and disclosure, will be posted on the Administrative Office of the Courts (AOC) website for the Certified Professional Guardian Program (http://www.courts.wa.gov/programs_orgs/guardian/). Notice of the discipline imposed shall be sent to all superior courts pursuant to DR 514.3.2.

8. ENTIRE AGREEMENT

This Agreement comprises the entire agreement of the parties with respect to the matters covered herein, and no other agreement, statement, or promise made by any party which is not included herein shall be binding or valid. This Agreement may be modified or amended only by a written amendment signed by all parties.

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10. LAWS GOVERNING

This Agreement shall be governed by the laws of the State of Washington, and any question arising from the Agreement shall be construed or determined according to such law. This Agreement is a public record and is subject to public disclosure or release.

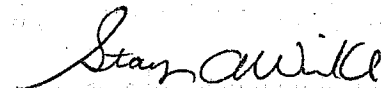
Ms. Wikle acknowledges that she has the right to individual counsel for representation in this disciplinary matter, at her expense, as set forth in Disciplinary Regulation 509.1.

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12. PRESENTATION OF AGREEMENT TO THE BOARD

Ms. Wikle understands that this Agreement is not binding unless and until it is approved and signed by the Board. If the Board rejects this Agreement, Ms. Wikle waives any objection to the participation in the final determination of this matter of any Board member who heard the Agreement presentation.

COPY RECEIVED, NOTICE OF PRESENTATION WAIVED:



STACY A. WIKLE

10-14-08

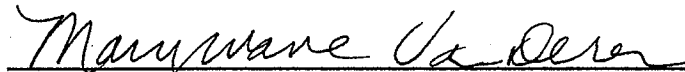
Date

Attorney for Stacy A. Wikle
WSBA # _____

Date

APPROVED AND ORDERED BY THE CERTIFIED PROFESSIONAL GUARDIAN BOARD THIS

3 DAY OF November, 2008.



Hon. Maryanne Van Deren
Chair, Certified Professional Guardian Board